

REMARKS

This Amendment is filed in response to the Office Action dated February 5, 2003, which has a shortened statutory period set to expire May 5, 2003.

Claims 1-24 are pending in the present application. Claims 1-3 and 23 stand rejected under 35 USC 102, and Claims 4 and 6-24 stand rejected under 35 USC 103. In the present paper, Claims 1-24 are amended.

Title, Specification and Abstract

The title, specification and abstract are amended to change "rotatable" to "rotatable".

In addition, the title is amended to reflect the amendments to independent Claims 1 and 23.

No new matter is entered.

Claims

The present invention discloses a rotatable plug for a power supply apparatus. Specifically, the present invention provides the rotatable plug with a foldable function of the plug along a first axis and simultaneously with a rotatable function of a rotary case about a second axis. Claims 1 and 23 are amended herein to clearly recite this feature of the present invention. The revisions are fully supported by the specification and drawings of the present application, and do not introduce new matter.

REJECTION UNDER 35 U.S.C. § 102

Claim 23 is rejected under 35 U.S.C. § 102(e) as being anticipated by Yang (USP 6,093,028). After the amendments in claim 23, the rotatable plug of the present invention is applied in a power supply apparatus, not in a night lamp. We know that

from Graham v. John Deere Co. the field of an invention is divided into analogous and non-analogous fields. Based on In re Clay, 966 F.2d 656 (Fed.Cir.1992), this invention is non-analogous to Yang's '028 patent because a night lamp and a power supply belong to different fields of invention. Furthermore, the plug of the present invention is foldable along a first axis and simultaneously the rotary case is pivotable about a second. On the contrary, the non-foldable plug of Yang's '028 patent can not be foldable about an axis. The blades 66 of Yang's '028 patent are different from plug 10 of the present invention. For at least these reasons, reconsideration and withdrawal of the rejection based on Yang is respectfully requested.

Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by Li (USP 6,488,510). After amendments in claim 1, the rotatable plug of the present invention is applied in a power supply apparatus, not in a wall lamp. We know that from Graham v. John Deere Co. the field of an invention is divided into analogous and non-analogous fields. Based on In re Clay, 966 F.2d 656 (Fed.Cir.1992), this invention is non-analogous to Li's '510 patent because a wall lamp and a power supply belong to different fields of invention. Furthermore, the plug of the present invention is foldable along a first axis and simultaneously the rotary case is rotatable about a second axis. On the contrary, the non-foldable plug of Li's '510 patent can not be folded about an axis. The power copper pins 26 and 27 of Li's '510 patent are different from plug 10 of the present invention. For at least these reasons, reconsideration and withdrawal of the rejection based on Li is respectfully requested.

Claims 1-3 are rejected under 35 U.S.C. § 102(e) as being anticipated by Seo (USP 6,364,716). The plug of the present invention is foldable along a first axis and simultaneously the

rotary case is rotatable about a second axis. On the contrary, the non-foldable plug of Seo's '716 patent can not be foldable about a axis. For at least this reason, reconsideration and withdrawal of the rejection based on Seo is respectfully requested.

From the above reasons, it is apparent that claims 1-3 and 23 are not anticipated in any way by the cited references, and are thus novel over the cited references.

REJECTION UNDER 35 U.S.C. § 103

The Examiner rejected claims 9-24 under 35 U.S.C. § 103(a) as being unpatentable over Seo in view of Yang. As stated in lines 57-62 of column 2 of Seo's '716 patent, the rotary portion 10b is provided with a groove 14 circumferentially formed along its outer surface, a projection 16 formed at a position of its outer surface, a retaining projection 18 formed at position opposite to the position of the projection 16, and a plurality of slits 19 axially and regularly formed therein. In lines 17 of column 3, it is recited that, in an initial state, the groove 54 is engaged with the projection 16. From the above, the prior art can not teach or suggest that the elastic juts 16 of the present invention are not formed on the groove of the rotary case 11. The elastic juts 16 are formed on the inner surface of annular frame 14. Seo's '716 patent does not teach or suggest the three concave points 15 on the circumferential surface of the rotary case 11 for positioning the direction of the plug 10 of the present invention. Without an elastic engaging element 60 and an opening 55 and a concave storage base 54 of the present invention, the Seo's '716 and the Yang's '028 patent can not suggest, teach and motivate to combine these two patents or to rearrange parts to be able to provide the rotatable plug of present invention. It is well settled that in rejecting claims

under 35 U.S.C. § 103, the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1533 (Fed. Cir. 1993). Where an Examiner asserts that there is an explicit or implicit teaching or suggestion in the prior art, he must indicate where such a teaching or suggestion appears in the reference. The Examiner has pointed to absolutely nothing in the reference to support that Seo's '716 patent and Yang's '028 patent teach or suggest an elastic engaging element 60 and an opening 55 and a concave storage base 54 of the present invention to be used in power supply apparatus field. Further, the Examiner fail to point out any suggestion of combining the above. Indeed, the cited reference is utterly devoid of such a suggestion. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections under 35 USC 103 that are based on Seo in view of Yang.

The Examiner rejected claims 4, 6-8 under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Chen (USP 6,398,566). In addition, Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Li in view of Chen '566 in view of Chen (USP 6,275,002).

Applicant respectfully traverses the rejections based on Chen '566 because Chen '566 is not believed to be a proper prior art reference under 35 USC 103(c). In particular, Chen '566 and the present application constitute the same inventive entity. Therefore, Chen '566 is not a proper reference under 35 USC 103 because it fails to qualify as a proper reference under any section of 35 USC 102 (in particular, the present application was filed less than one year after Chen '566, so Chen '566 cannot be raised as a reference under 35 USC 102(e)). Further, both Chen '566 and the present application are assigned to the same "person" (i.e., Delta Electronics, Inc.). Accordingly,

Chen '566 is not a proper reference under 35 USC 103(c), which states:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

See also MPEP Section 706.02(1)(1). For the above reasons, the rejections under 35 USC 103 based on Chen '566 should be removed.

No specific rejection to Claim 5

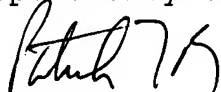
Applicant notes that Claim 5 is not subjected to a specific rejection, and is therefore understood as being in condition for allowance.

CONCLUSION

Claims 1-24 are pending in the present Application. Reconsideration and allowance of these claims is respectfully requested.

If there are any questions, please telephone the undersigned at (408) 451-5902 to expedite prosecution of this case.

Respectfully submitted,



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Date

May 5, 2003

Signature

